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VIA ECF

The Honorable Joanna Seybert
United States District Court
Long Island Courthouse
100 Federal Plaza
Central Islip, NY 11722

Re: *FOEHA et al. v. Town of East Hampton*, 15 Civ. 2246 (JS) (ARL)

Dear Judge Seybert:

The parties respectfully request the Court's assistance in correcting the district court docket, so that the caption and docket in the pending appeals can likewise be corrected.

As the Court is aware, the Town of East Hampton filed a notice of appeal from Your Honor's June 26, 2015 decision and order. Plaintiffs filed a notice of cross-appeal. The appellate caption recently issued by the Second Circuit Court of Appeals for those appeals is inaccurate in that it includes Air Pegasus Corporation as an Intervenor-Plaintiff.

This Court has not granted Air Pegasus intervenor-plaintiff status in this case. During the oral argument held on May 18, 2015, the Court denied Air Pegasus' letter-motion to intervene, with leave to file a formal motion. *See* Docket Entry 51. Thereafter, Air Pegasus never filed a formal motion to intervene.

When Plaintiffs' counsel brought the caption inaccuracy to the attention of the appellate case manager, we were advised that the district court docket needs to be corrected before the appellate caption and docket can be corrected. In that regard, Page 4 of the district court docket incorrectly lists Air Pegasus as an Intervenor-Plaintiff, even though Docket Entry 51 correctly notes Air-Pegasus's letter-motion to intervene was denied.

We thus respectfully request that Your Honor direct the Clerk of the Court to correct the case docket to reflect that Air Pegasus is not an Intervenor-Plaintiff. Counsel to Air Pegasus has advised Plaintiffs' counsel that Air Pegasus consents to this requested correction.

Respectfully submitted,



Lisa Zornberg

cc: Eric Pilsk, Esq.
Eric Bregman, Esq.
Joseph Covello, Esq. (Counsel to Air Pegasus, Inc.)